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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

AUG 09 2002

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**Wyeth, Inc.**  
**5 Giralda Farms**  
**Madison, NJ 07940**

**Attention: Robert Essner, President CEO**

**Re: Required Submission of Information**  
**Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill,**  
**and Folcroft Landfill Annex**

Dear Mr. Essner:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill ("Folcroft"), and Folcroft Landfill Annex ("Folcroft Annex") portions of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site").

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A). The Site also includes contaminated portions of areas along Darby Creek downstream as well as a portion of a 3500-acre tidal marsh.

EPA has reason to believe that wastes generated at locations owned or operated by Wyeth, Inc. may have been transported to and disposed of at the Site, specifically at Clearview, Folcroft, and Folcroft Annex. Clearview is located on the east side of Darby Creek; Folcroft and Folcroft Annex are located on the west side of the creek.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require Wyeth, Inc. (hereinafter "you"), to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants

***Customer Service Hotline: 1-800-438-2474***

and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **fifteen (15) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.


All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,



Joan Armstrong, Chief  
PRP Investigation and  
Site Information Section

Enclosures:   Enclosure A: Lower Darby Creek Area Site Map  
                  Enclosure B: Business Confidentiality Claims/Disclosure of Your Response to  
                                  EPA Contractors and Grantees  
                  Enclosure C: List of Contractors that May Review Your Response  
                  Enclosure D: Definitions  
                  Enclosure E: Instructions  
                  Enclosure F: Questions

cc:    Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel  
      Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager  
      Mr. Craig Olewiler Pennsylvania Department of Environmental Protection  
      Ms. April Flipse Pennsylvania Department of Environmental Protection

Enclosure A



Enclosure B

**Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

**Disclosure of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

## Enclosure C

### List of Contractors That May Review Your Response

- Daston Corporation -  
Contract #68-S3-01-01  
Subcontractor to Daston Corporation is:  
Dynamac Corporation
- Tetra Tech EM, Inc. -  
Contract #68-S3-0002  
Subcontractor to Tetra Tech EM, Inc. is:  
Eagle Instruments, Inc.
- Ecology and Environment, Inc. -  
Contract #68-S3-0001  
Subcontractor to Ecology and  
Environment, Inc. is:  
S & S Engineers, Inc.
- IT Corporation -  
Contract #68-S3-00-06  
Subcontracts to IT Corporation are:  
Weavertown Environmental Group  
Environmental Restoration Company
- Earth Tech, Inc. -  
Contract #68-S3-00-07  
Subcontractors to Earth Tech, Inc. are:  
Industrial Marine Services, Inc.  
Cline Oil  
Hertz Equipment Rental
- Guardian Environmental Services, Inc. -  
Contract #68-S3-99-04
- ECG Industries, Inc. -  
Contract# 68-S3-99-05  
Subcontractor to ECG Industries, Inc. is:  
Earth Tech, Inc.
- Industrial Marine Services, Inc. -  
Contract #68-S3-99-06  
Subcontractors to Industrial Marine  
Services, Inc. are:  
Earth Tech, Inc.  
Engineering and Environment, Inc.
- Tetra Tech NUS Inc. -  
Contract #68-S6-3003  
Subcontractors to Tetra Tech NUS Inc.  
are:  
Gannett Fleming, Inc.  
Dynamic Corporation  
C. C. Johnson & Malhotra, P.C.
- CDM-Federal Programs Corporation -  
Contract #68-S7-3003  
Subcontractors to CDM-Federal  
Programs Corporation are:  
Tetra Tech EM, Inc.  
Robert Kimball & Associates  
PMA & Associates  
Horne Engineering  
Pacific Environmental Services
- Black and Veatch Waste Science and  
Technology Corporation/Tetra Tech,  
Inc. - Contract #68-S7-3002
- Universe Technologies -  
Contract #68-S3-99-02
- Tech Law, Inc. -  
Contract #68-W-00-108

### List of Cooperative Agreements

- National Association of Hispanic  
Elderly - #CQ-822511
- AARP Foundation (Senior  
Environmental Employment) -  
#824021  
#823952

Enclosure D

**Definitions**

- The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.



Enclosure E

**Instructions**

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

**QUESTIONS**

1. State the name of your company, its mailing address, and telephone number. Further identify:
  - a. The dates and states of incorporation of your company;
  - b. The date and original state of incorporation of your company; and
  - c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.
2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.
3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:
  - a. The dates of their operation;
  - b. The nature of their operation; and
  - c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).
5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
  - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and
  - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.
6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:
  - a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
  - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
  - c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;
  - d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
  - e. The types and sizes of containers in which these substances were transported and stored; and
  - f. The persons or companies that supplied each such hazardous substance to your company.
7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:
  - a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
  - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;

- c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
  - d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
  - e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
  - f. The location and method of treatment and/or disposal of each such by-product or waste.
8. Did Wyeth, Inc. ever contract with, or make arrangements with any of the following entities, for the removal or disposal of waste from your facilities/establishments in the Philadelphia area between 1958 and 1976:
- a. Folcroft Landfill Corporation;
  - b. Bernie McNichol;
  - c. Edward Mullin;
  - d. Clearview Land Development Corporation;
  - e. Edward or Richard Heller;
  - f. Tri-County Hauling;
  - g. Eastern Industrial Corporation;
  - h. Marvin Jonas or Jonas Waste Removal;
  - i. Bernard McHugh or McHugh Trash Company;
  - j. S. Buckly (ey) Trash Hauling;
  - k. City Wide Services, Inc.;
  - l. Gene Banta or Gene Banta Trash Removal;
  - m. Schiavo Brothers;
  - n. Charles Crumley or Crumley Waste;
  - o. Harman or Harway Trash;
  - p. Oil Tank Lines;
  - q. Paolino Company;
  - r. Charles Crawley Waste Hauling;
  - s. Ed Lafferty and Son;
  - t. Bazzarie Trash Company;
  - u. Sparky Barnhouse or ABM Disposal Services Company; and
  - v. Any other individual, company, or municipality.
9. For each of the above identified entities with whom Wyeth, Inc. contracted or made arrangements with for waste removal and/or disposal, please identify the following:
- a. The person with whom you made such a contract or arrangement;
  - b. The date(s) on which or time period during which such material was removed or transported for disposal;

- c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - d. The annual quantity (number of loads, gallons, drums) of such material;
  - e. The manner in which such material was containerized for shipment or disposal;
  - f. The location to which such material was transported for disposal;
  - g. The person(s) who selected the location to which such material was transported for disposal;
  - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and
  - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.
10. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:
- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
  - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
  - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.
11. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- a. The date(s) on which such material was disposed of or treated at the Site;
  - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - c. The annual quantity (number of loads, gallons, drums) of such material;
  - d. The specific location on the Site where such material was disposed of or treated; and

- e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.
12. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) the spill(s)/release(s) occurred;
  - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
  - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
  - d. The packaging, transportation, and final disposition of the materials which were spilled/released.
13. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.
14. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.
15. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.
16. Representative of your establishment(s):
- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number; and relationship to the company.

- b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.
17. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. Your document retention policy;
  - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
  - c. A description of the type of information that would have been contained in the documents; and
  - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

# WYETH LABORATORIES INC.

TRI COUNTY HAULING SERVICES  
1777 Calcon Hook Rd.  
Sharon Hill, Pa. 19079

WYETH LABORATORIES INC.		PURCHASE ORDER NO.	
<i>Norman Weis</i> N. Weis/aw PURCHASING AGENT		WLI 43232	
INCLUDE ON INVOICE TO FACILITATE PAYMENT	VENDOR NO.	TERMS	DATE OF PURCHASE ORDER
SHIP MOST ECONOMICAL WAY OR		net 30 days	Dec. 27, 1973
		OR	as required
SHIP TO: WYETH LABORATORIES INC.		DOCK NO.	INVOICE TO WYETH LABORATORIES INC
6		1	1
(SEE BELOW IF FREIGHT ADDRESS NO. IS SHOWN)		SHOW ON B/L	(SEE BELOW IF ADDRESS NO. IS SHOWN)

LINE ITEM	QUANTITY	UNIT OF MEASURE	ITEM NO.	DESCRIPTION	PRICE	FREIGHT ADDRESSES
				TRASH HAULING SERVICES-1974	\$29.00/ load	1. U.S. RTE. #30 & MOREHALL RD., MALVERN, PA. (BND NO. PW 0028921) (PARCEL POST P O BOX 881, PAOLI, PA. 19301) 2. 611 E. NIELD ST., WEST CHESTER, PA. (BND NO. PW 0028919) 3. 8100 McCORMICK BLVD., EVANSTON, ILLINOIS 4. MARIETTA, PA. (BND NO. PW 0037201) 5. MASON, INGHAM COUNTY, MICHIGAN 6. KING OF PRUSSIA RD & LANCASTER AVE., RADNOR, PA. (PARCEL POST P O BOX 8299, PHILA., PA. 19101)

## THIS ORDER IS SUBJECT TO THE FOLLOWING:

- Failure to comply with any of the following gives buyer right to cancel all or any part of this order (and return the goods collect, if delivery has been completed):
  - Acknowledgment of this order must be made promptly, giving shipping date.
  - All packaging and shipping memoranda must bear this ORDER NUMBER. Packages, containers, drums, bags, etc. must be plainly MARKED and accompanied by a shipping memorandum specifying the goods and quantities in each container.
  - Goods must conform to quantity, description and specifications set forth above including price and be properly packaged.
  - Delivery must be made promptly on any day(s) Monday through Friday except legal holidays commonly observed by manufacturing industries.
- All invoices must be rendered immediately after shipment and be accompanied by (i) an original bill of lading if covering collect freight shipments (ii) copy of the bill of lading if on prepaid shipments and also by the original prepaid freight bill if all or any part of the freight is included on the face of the invoice

- When terms of purchase of drugs and chemicals are f.o.b. point of origin, Seller shall insert "50c per pound" in the Released Valuation clause provided in Carrier's Bill of Lading. Failure to observe this instruction will result in Seller bearing freight charges in excess of effective released rates
- No charge allowed for boxing, crating, or origin or destination cartage unless pursuant to an agreement.
- In filling this order the Seller certifies and warrants that the goods and/or service(s) called for herein: (a) Have been produced in compliance with the requirements of the United States Fair Labor Standards Act, as amended, the President's Executive Order on Equal Employment Opportunity and all other applicable Federal, State or Municipal laws or ordinances and (b) if they are foods, drugs, cosmetics, or economic poisons, or are intended to be used in or as packaging for such, they are not adulterated or misbranded within the meaning of the Federal Food, Drug and Cosmetic Act or the Federal Insecticide, Fungicide and Rodenticide Act, or similar state or local laws, all as amended.
- The Seller will indemnify and hold Buyer harmless from all loss and expense arising out of any violations of any covenant or provision of this order and from any injury to person or property caused by Seller's services and goods furnished herein, and from any patent infringement in the production, use or sale of goods covered by this order.
- No terms or conditions in any confirmation or acknowledgment including any invoice heretofore or hereafter sent by Seller, contrary to those herein set forth, shall apply without a signed agreement thereon.

IF INVOICE AND OTHER REQUIRED DOCUMENTS MUST BEAR THIS ORDER NUMBER.

2(a) are not mailed on the same date shipment is made the date such papers are received.

## INVOICE ADDRESSES

- (MAIL TO COMPANY - NOT TO INDIVIDUAL)
- P. O. BOX 831, PAOLI, PA. 19301
  - 611 E. NIELD ST. WEST CHESTER, PA. 19380
  - 8100 McCORMICK BLVD., EVANSTON, ILL. 60202
  - MARIETTA, PA. 17547
  - MASON, INGHAM COUNTY, MICHIGAN 48854

WM013854





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

# Lower Darby Creek Area Superfund Site Interview Summary Confidential Source #11



**INTERVIEW SUMMARY**  
**Work Assignment ES002**  
***Lower Darby Creek Area Site***

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[REDACTED]

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Prepared for:

**U.S. Environmental Protection Agency**  
**Region III**  
Enforcement Support Services  
Hazardous Site Cleanup Division  
1650 Arch Street  
Philadelphia, PA 19103

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Prepared by:

**DASTON Corporation**  
210 West Washington Square  
Suite 210  
Philadelphia, PA 19106

Work Assignment Number:	ES002
Date Submitted:	March 27, 2002
Contract Number:	68-S3-01-01
EPA Work Assignment Manager:	Carlyn Prisk
Telephone Number:	(215) 814-2625
DASTON Work Assignment Manager:	Eric D. Bailey
Telephone Number:	(215) 923-4404
Interviewer:	Michael McCloskey, Tri-State Enterprise

ENFORCEMENT CONFIDENTIAL

**Name:** [REDACTED] (WITNESS)  
c/o Joseph F. O'Dea, Jr., Saul Ewing, LLP  
1500 Market Street, 38<sup>th</sup> Floor  
Philadelphia, PA 19102

**Affiliation:** Former Employee/Tri-County Hauling

**Telephone:** (215) 972-7109

**Type of Interview:** In-Person

**Date of Interview:** March 25, 2002

On March 25, 2002, the WITNESS was interviewed at [REDACTED] by Michael McCloskey of Tri-State Enterprise. The WITNESS was interviewed as part of the potentially responsible party search currently being conducted under Work Assignment NO. ES-002 involving the Lower Darby Creek Area, Delaware County, PA (the "Site"). This interview focused on the Folcroft Landfill (Folcroft). The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked and advised that the interview was voluntary. The WITNESS advised that he is represented by Cathleen Devlin, Esq., in this matter. This interview was not tape-recorded. The following individuals were also present during this interview.

- Brian Nishitani: Attorney for the United States Environmental Protection Agency, Region III (USEPA).
- Cathleen Devlin: Attorney representing Waste Management Corporation and [REDACTED]

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was shown a map of the Site and this map was used throughout the interview.

The WITNESS was asked to explain his association with the Site.

The WITNESS stated that he worked for the Tri-County Hauling at the Folcroft Landfill from [REDACTED]. He indicated that he was primarily a truck driver during the time he worked for Tri-County Hauling. He indicated that he also worked on the Landfill as a fill-in when needed. He indicated that he worked on the Landfill about one day a month and drove the front-end loader on the Landfill. The WITNESS explained that he used the front-end loader as a bulldozer to move the trash on the Landfill.

The WITNESS explained that Bernie McNickle was the "Boss" at the Landfill and Ed Mullen was the manager of the Landfill and Tri-County Hauling. The WITNESS stated that Ed Mullen would tell him when to work on the Landfill.

When asked the names of other individuals that worked on the Landfill, the WITNESS provided the following.

- Bobby Williams
- Henry Sanders: Deceased
- Joe Beigler
- Slim: Actual name unknown
- Bernie McHugh: Was the boss at the Landfill after Ed Mullen died.

The WITNESS was asked to describe the Folcroft Landfill and to explain how the Landfill was filled.

The WITNESS stated that Tri-County Hauling had a garage and office building at the entrance to the Landfill. He indicated that there was a shack located across the road from the office that was used by Tri-County to log trucks into the Landfill. The WITNESS stated that there was only one way into the Landfill and that was off of Calcon hook road. He indicated by looking at the map that the entrance to the Landfill was just past the Delaware County incinerator. The WITNESS indicated that the fill area started about 100 feet south of the Tri-County garage and was moved in a south direction as the fill area grew. The WITNESS stated that the Folcroft Annex was used for a period of time and then the fill area was moved back to the main Landfill. The WITNESS did not know why the Annex was used or for the length of time the Annex was used.

When asked if there were any special areas on the Landfill to dispose of drums or liquid waste, the WITNESS stated not to his knowledge.

When asked to describe the types of equipment that was used on the Landfill, the WITNESS provided the following.

- Crane: Used to dig holes.
- Front-end loader: Used to move trash and cover trash.
- Bulldozer: Used to move trash and cover trash.

The WITNESS stated that he usually drove a truck during the time period he worked for Tri-County Hauling. He further stated that he drove a roll off truck most of the time. He indicated that he occasionally drove a lugger truck.

When asked to describe any receipts or logs that were used during the course of picking up waste for Tri-County Hauling, the WITNESS stated that at each location he picked up a container there was a receipt signed. He further explained that when he picked up a container he had a ticket with a carbon copy that would name the location of the pick up and the size of the container. The WITNESS stated that he would have someone at the site of the container

sign this ticket. The WITNESS stated that he would keep the original and give the person signing the ticket the carbon copy. The WITNESS stated that he would turn in the tickets he kept to the Tri-County office at the end of his shift.

The WITNESS was asked to identify the locations that he picked up waste from and disposed of the waste at the Folcroft Landfill. The WITNESS was also asked to provide the type of trash container used at each location and to describe the types of waste that was picked up at each location. The WITNESS provided the following.

- Philadelphia Navy Yard (PNY): The WITNESS stated that Tri-County Hauling had a contract with the PNY at different times while the Folcroft Landfill was in use. He indicated that from time to time Tri-County would lose the contract and then regain the contract at the next bid period. He indicated that the contract duration may have been for a one-year period. The WITNESS stated that the PNY had a Landfill on the PNY property located in the area of the back gate of the PNY. When asked the WITNESS stated that this PNY Landfill could have been about the size of a football field. The WITNESS stated that the PNY had trash trucks that picked up waste throughout the PNY and disposed of this waste at this PNY Landfill. The WITNESS stated that Tri-County Hauling kept one and sometimes two 40 cubic yard containers at this location and that he picked up full containers at this location on a daily basis and stated sometimes he would make 8-10 trips each day. The WITNESS stated that the PNY placed the waste from this Landfill into the containers and that these containers were transported to the Folcroft Landfill by Tri-County trucks and the waste was disposed of at the Folcroft Landfill. When asked to describe the waste, the WITNESS stated that he recalls sandblasting residue from ships, which would include paint chips and rust chips. The WITNESS stated that he also recalls pipes and wrapping from pipes, which included loose asbestos. He was unable to describe any other waste.
- University of Pennsylvania (UP): The WITNESS stated that he picked up waste in a 40 cubic yard container that was located in the kitchen area at the UP. He stated this pick up was on an "on call" basis and that he may have made one trip each week. He described the waste as kitchen waste.
- Marriott Hotel: The WITNESS stated that this Marriott is located on City Avenue in Philadelphia. He indicated that he picked up a 40 cubic yard compactor container from this location about 1-2 times each week. He described the waste as kitchen waste.
- Presbyterian Hospital: The WITNESS stated that he picked up a 30 cubic yard container from this location about one time each week. He described the waste as household trash and provided no further description.
- US Mint: The WITNESS stated that the US Mint is located in the area of 4<sup>th</sup> and Cherry Street. He indicated that he picked up a 40 cubic yard container one time each week. He was unable to provide a description of the waste other than to say it was trash.

- McCloskey Construction Company: The WITNESS stated Tri-County Hauling provided roll off containers at many of the McCloskey construction sites. The WITNESS stated that this waste would be disposed of at the Folcroft Landfill. The WITNESS provided the following McCloskey construction sites that he recalls picking up 40-yard containers from. 1. I95 construction through Philadelphia. 2. The Spectrum 3. Veteran's Stadium The WITNESS stated the waste consisted of construction debris such as concrete, wood and pipes. He was unable to describe the waste further.
- General Electric (GE): The WITNESS stated that GE is located at 74<sup>th</sup> and Elmwood Street. He indicated that he picked up a 40 cubic yard compactor container at this location on an on call basis about 1-2 time each week. He indicated that some of the waste included metal and cooper wire.
- MAB Bruder Paints (MAB): The WITNESS stated that MAB was located at 51<sup>st</sup> Street and Grays Ferry in Philadelphia. He indicated that he picked up a 40 cubic yard compactor container about 1 time each week. The WITNESS stated that MAB also had a tank mounted on wooden skids that was used to hold liquid waste. He indicated that this tank was about the size of a 40 cubic yard container and that he picked up this tank about 3-4 times a month on an on call basis. The WITNESS stated that he picked up the tank in a roll off truck and transported the tank to the Landfill. The tank had a valve in the back and he would open the valve and the liquid would drain out. He described the liquid as having a paint odor. He indicated that after the tank was empty he returned the tank to MAB. When asked the names of any MAB employees that he dealt with, the WITNESS stated that he recalls a Jack, unknown last name, that was present when he picked up the tank.
- Wyath Labs: The WITNESS stated that he picked up a 40-cubic yard open top container on an on call basis. He could not recall the type of waste other than to say the waste was bulk trash.
- Philadelphia Electric Company: The WITNESS stated that he picked up roll off containers and lugger containers at numerous Philadelphia Electric Company locations. The WITNESS provided the following locations. 1. Port Richmond. 2. 23<sup>rd</sup> and Market Street. 3. Calowhill Street. 4. Philadelphia Electric at Eddystone. The WITNESS stated that he picked up lugger containers at Eddystone and that these containers had water and dead fish as part of the waste. The WITNESS stated that Philadelphia Electric Company also had their own trucks that transported waste to the Folcroft Landfill.
- Nabisco Company: The WITNESS stated that Nabisco is located on Roosevelt boulevard and he picked up a 40 cubic yard open top container at this location on an on call basis. He did not describe the type of waste other than to say it was trash.
- Budd Company: The WITNESS stated that this Company was located in the Hunting Park area. He described the waste as trash.

- Jordan Chemical Company: The WITNESS stated that he picked up a 40 cubic yard container from this location on an on call basis. He stated that the waste had a chemical odor. He could not describe this odor any further.
- Oil Tank Lines: The WITNESS stated that he had observed this company dispose of liquid waste from tanker trucks on the Folcroft Landfill. He did not know what this liquid waste was.
- TV Guide: The WITNESS stated that he picked up a 40 cubic yard roll off container from this location and he described the waste as old paper.
- US Post Office at 30<sup>th</sup> Street: The WITNESS stated that he picked up a 30-yard compactor container from this location on a daily basis.
- Connelly Container: The WITNESS stated that he picked up an open container at this location. He could not recall the size of the container or the type of waste.
- Maaco: The WITNESS stated that this is the Maaco located in the north east section of Philadelphia. He indicated that he picked up waste from a dumpster at this location. He did not say how often this waste was picked up.
- Rohm & Haas: The WITNESS stated that this company is located in the Port Richmond area of Philadelphia. He stated that he picked up roll off containers for construction companies when this Plant was going through renovations. He could not recall the name of the Construction Company. He indicated that the waste was construction debris such as concrete and wood. The WITNESS stated that this waste also contained excavation waste.
- Boeing Company: The Witness stated that he picked up construction debris/trash from construction contractor companies at this location.

The WITNESS stated that he also picked up roll off containers in New Jersey and Delaware and that he transported this waste to the Folcroft Landfill. He could not recall the specific locations but indicated that the waste came from mostly construction sites.

When asked the names of other waste transporters that he had observed disposing of waste at the Folcroft Landfill the WITNESS provided the following.

- Crumley Waste: The WITNESS stated that Crumley had rear end loader trucks.
- Eastern Industrial: The WITNESS stated Eastern had roll off and rear end loader trucks.
- Hawthorne Demolition Company: The WITNESS stated this Company had tractor-trailers.
- Cleveland Wrecking: The WITNESS stated this company had dump trucks
- Harman Trash: The WITNESS stated this company had roll off trucks.
- Harway Trash: The WITNESS stated this company had roll off and rear end loader trucks.
- Gene Banta: The WITNESS stated this company had roll off trucks.

- Philadelphia Electric: The WITNESS stated this company had dump trucks.
- Barrett Roofing: The WITNESS stated this company used a dump truck.
- General electric: the WITNESS stated that this Company used a dump truck.
- Barcalow Company: The WITNESS stated this Company used dump trucks.
- Oil Tank Lines: The WITNESS stated this Company used tanker trucks.
- Arco/Gulf Refining: The WITNESS stated this Company used dump trucks.
- Bernie McHugh: The WITNESS stated McHugh dump trucks.

When asked the names of other individuals that might have relevant knowledge of waste disposal practices at the Folcroft Landfill, the WITNESS provided the following.

- Thomas Dugan: Tri-County dispatcher
- Tom Carroll: Tri-County dispatcher.
- Jack( last name unknown): Worked at MAB and might have specific knowledge of the waste in the holding tank at that location.
- Joe Beigler: Worked on the Landfill and may still be alive.
- Bernie McHugh: worked on the Landfill
- Bobby Williams: worked on the Landfill.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on \_\_\_\_\_  
(Date)

Signed \_\_\_\_\_  
[REDACTED]





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

# Lower Darby Creek Area Superfund Site Interview Summary Confidential Source #9



**INTERVIEW SUMMARY**  
**Work Assignment ES002**  
***Lower Darby Creek Area Site***



Prepared for:

**U.S. Environmental Protection Agency**  
**Region III**  
Enforcement Support Services  
Hazardous Site Cleanup Division  
1650 Arch Street  
Philadelphia, PA 19103

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Prepared by:

**DASTON Corporation**  
210 West Washington Square  
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Philadelphia, PA 19106

Work Assignment Number:	ES002
Date Submitted:	March 25, 2002
Contract Number:	68-S3-01-01
EPA Work Assignment Manager:	Carlyn Prisk
Telephone Number:	(215) 814-2625
DASTON Work Assignment Manager:	Eric D. Bailey
Telephone Number:	(215) 923-4404
Interviewer:	Michael McCloskey, Tri-State Enterprise

**Name:**

[REDACTED] (WITNESS)

C/O Joseph F. O'Dea, Jr., Saul Ewing, LLP  
1500 Market Street, 38<sup>th</sup> Floor  
Philadelphia, PA 19102

**Affiliation:**

Former Employee/Tri-County Hauling

**Telephone:**

(215) 972-7109

**Type of Interview:**

In-Person

**Date of Interview:**

March 14, 2002

On March 14, 2002, the WITNESS was interviewed at [REDACTED] by Michael McCloskey of Tri-State Enterprise. The WITNESS was interviewed as part of the potentially responsible party search currently being conducted under Work Assignment NO. ES-002 involving the Lower Darby Creek Area, Delaware County, PA (the "Site"). This interview focused on the Folcroft Landfill (Folcroft). The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked and advised that the interview was voluntary. The WITNESS advised that he is represented by Joseph F. O'Dea, Jr. in this matter. This interview was not tape-recorded. The following individuals were also present during this interview.

- Brian Nishitani: Attorney for the United States Environmental Protection Agency, Region III (USEPA).
- Carlyn Prisk: Civil Investigator for the USEPA.
- Joseph F. O'Dea, Jr.: Attorney representing Waste Management Corporation and [REDACTED]
- Cathleen Devlin: Attorney representing Waste Management Corporation.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was shown a map of the Site and this map was used throughout the interview.

The WITNESS was asked to explain his association with the site.

The WITNESS stated that he worked for Tri-County Hauling from [REDACTED] [REDACTED] is a waste-hauler/truck driver. He indicated that he drove both a roll-off truck and rear-end loader during the time he worked for Tri-County Hauling.

When asked to identify the dates that Tri-County Hauling was located at Folcroft and disposed of waste at Folcroft, the WITNESS stated that Tri-County Hauling was located at the following locations during the time period he worked for Tri-County Hauling:

- 61<sup>st</sup> and Passyunk Street.
- 70<sup>th</sup> Street in Philadelphia
- 58<sup>th</sup> Street in Philadelphia.

The WITNESS stated that he could not recall the specific dates Tri-County operated from each location.

The WITNESS indicated that Tri-County Hauling was located at the entrance to Folcroft when Folcroft was in operation and Tri-County Hauling disposed of all waste at Folcroft while Folcroft was in operation. The WITNESS stated that the owner/operator of Folcroft and Tri-County was Bernie McNichol and the General Manager of Folcroft and Tri-County Hauling was Ed Mullen.

The WITNESS was asked to identify the locations that he picked up waste from and transported and disposed of this waste at Folcroft. The WITNESS was also asked to describe the waste for each location. The WITNESS provided the following information:

- Mercy Fitzgerald Hospital: The WITNESS stated that he picked up a compactor container of unknown waste from this location on an on-call basis.
- Children's Hospital: The WITNESS stated that he picked up a compactor container from this location on a weekly basis.
- Temple Hospital: The WITNESS stated that he picked up a compactor container from this location.
- Presbyterian Hospital: The WITNESS stated that he picked up an open container and a compactor container from this location on a weekly basis.
- Misericordia Hospital: The WITNESS stated that he picked up an open-top container and a compactor container at this location.

The WITNESS stated that all of the waste he picked up at the above hospitals consisted of filled plastic bags colored green, white and blue.

The WITNESS stated that he picked up waste from the following locations in a rear-end loader truck and transported this waste to Folcroft:

- Paoli Animal Hospital: Waste from trashcans of unknown type.
- Wyeth Labs: Waste from trashcans, floor sweepings and cafeteria waste.
- TV Guide: Waste from trashcans, containing old TV Guide magazines and cafeteria waste.

- Pennsylvania Electric Company, 23<sup>rd</sup> and Market: Trash can waste.
- Penn Tower: Contents of a 1-yard container of unknown waste.
- Philadelphia Electric on County Road: Glass and wire
- UPS in Ardmore: Paper and packaging material.
- Forester Inn in Ardmore: Trash can waste.
- Tile House in Ardmore: Trash can waste.
- Deegans Restaurant on 15<sup>th</sup> and Locust, Philadelphia: Trash can waste.
- Bradley's Restaurant on Juniper Street, Philadelphia: Trash can waste.
- Quachowtz Glass Company on Broad and Washington Streets in Philadelphia: Manufactured home windows.
- MAB Bruder: Compactor container containing bags with a powder that is used to mix with paint.
- Firestone Store in Ardmore: Trash can waste.
- K-Mart in Yeadon: Dumpster
- Acme in Chichester: Open container

When asked if he picked up waste at the Navy Yard, the WITNESS stated that he picked up a roll-off container from that location and described the waste as being old pipes.

When asked the names of other waste transporters that disposed of waste at Folcroft, the WITNESS provided the following names:

(The WITNESS stated that he was not sure of the spelling or complete names of these companies)

- Charles Crawley Waste Hauling
- Bernie McHugh
- McKarnen Waste
- Barratt Roofing
- General Electric Company: The WITNESS stated that General Electric had one 2.5-ton state body truck with wooden sides that disposed of an unknown waste at Folcroft.

When asked if he had ever observed the disposal of liquid waste at Folcroft, the WITNESS stated that he did observe a tanker truck disposing of liquid waste on one occasion. He indicated that the tanker caught fire and he assisted in bringing the truck driver to safety. The WITNESS stated that he could not recall the name of the driver or any names or markings on the truck. The WITNESS could not recall the approximate date this fire occurred.

When asked to describe how a truck entered Folcroft and what, if any, paper work was necessary to enter, the WITNESS stated there was a shack located at the entrance to Folcroft across the road from the Tri-County garage. The WITNESS stated that an employee of Folcroft was always in the shack and stopped all trucks entering Folcroft. For each truck entering Folcroft, a ticket was filled out by a Folcroft employee indicating the name of the company and the size of the truck. The WITNESS stated that all Tri-County trucks did not have to stop at this shack and were directed by the bulldozer operator at Folcroft to a location to dispose of their waste.

When asked the names of other individuals that worked for Tri-County Hauling or Folcroft, the WITNESS provided the following.

- John Lee
- Jim Barney
- Harry Pine
- James Bennett
- Sonny Maxwell
- Elwood Johnson
- Henry Sanders
- Joe Sanders

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on \_\_\_\_\_  
(Date)

Signed \_\_\_\_\_  
[REDACTED]

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Attn: Robert Essner, President CEO